



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/864,476	05/24/2001	Indra Laksono	VIXS 008	2994
34399 7590 07/07/2009 GARLICK HARRISON & MARKISON P.O. BOX 160727 AUSTIN, TX 78716-0727				
EXAMINER				
BROWN, RUEBEN M				
ART UNIT		PAPER NUMBER		
2424				
MAIL DATE		DELIVERY MODE		
07/07/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary**Application No.**

09/864,476

Applicant(s)

LAKSONO, INDRA

Examiner

REUBEN M. BROWN

Art Unit

2424

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 March 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
- Paper No(s)/Mail Date: _____

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date: _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 3/25/09 have been fully considered but they are moot in light of the new grounds of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-3, 5-6, 8-13, 15, 17-21, 23-24, 26-31, 33 & 35-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goode, (U.S. Pat # 6,163,272), in view of Giammaressi, (U.S. PG-PUB 2006/0253883) and Adams, (U.S. Pat # 6,124,878).

Considering claim 1, the claimed method for managing resources in a multimedia system, comprising:

'receiving a client request for a multimedia system service from one of a plurality of clients' and determining whether the client request is valid', is met by the teaching of Goode, which discloses that upon receiving a terminal's request for a VOD movie or channel, the session manager 104 determines whether the terminal has a valid terminal ID (TID) and whether the PIN is valid, see col. 1, lines 5-35; col. 2, lines 24-55; col. 4, lines 44-67 & col. 6, lines 12-60.

As for the further claimed feature of *'when the client request is valid, determining whether the multimedia system has sufficient resources to fulfill the client request'*, Goode merely discloses providing access to the requested content, depending upon whether the client was determined to be valid. However Giammaressi, which is also directed to video on demand, teaches detecting whether the system has available stream/bandwidth capacity to meet one or more client(s) requests, see Para [0032-0038]. In particular, Giammaressi teaches that the headend may provide at least three levels of service to the subscriber, (which reads on the claimed plurality of dissimilar channels having dissimilar resource demands) and attempts a bandwidth allocation technique in order to accommodate the subscriber with at least one level of service. It would have been obvious for one of ordinary skill in the art at the time the invention was made, to modify Goode with the technology of determining whether the multimedia system had sufficient resources, i.e. bandwidth, to fulfill a client request based on an allocation procedure, for the desirable benefit of providing requested VOD programming in an orderly manner, as taught by Giammaressi, see Para [0003-0008].

Regarding the amended claimed feature of '*multimedia service having plurality of service types*', Adams is directed to a plurality of different service types. As for the newly added feature of access to a channel with a plurality of dissimilar channels, the combination of Giammaressi & Adams meets the subject matter, see Fig. 1; col. 3, lines 35-65; col. 6, lines 24-60.

Regarding the further claimed feature of '*allocating services based on the priority associated with the service*', cited references lack this feature. However Adams, which also transmits video on demand, teaches transmitting one or more services from a headend, based on the priority associated with the service. In particular, Adams transmits services with the highest priority by using a continuous bit rate channels (CBR), and services with lower priority and available bit rate (ABR), and variable bit rate, (VBR), see Fig. 3 & Fig. 7; col. 6, lines 24-50 & col. 8, lines 10-55. It would have been obvious for one of ordinary skill in the art at the time the invention was made, to modify Goode with the technology of transmitting services, according to their associated priority, for the improvement of more efficiently operating a limited amount of bandwidth, as taught by Adams, col. 2, lines 1-55 & col. 4, lines 1-25.

Considering claims 2, 13, 20 & 31, the claimed '*determining whether the program is restricted from one of the clients, and if so denying the client request*', is met by the discussion in Goode, regarding the authorization level of subscriber(s), with respect to programming, see col. 8, lines 21-67.

Considering claims 5, 15, 23 & 33, the claimed feature of *'determining whether a tuning module has the capacity to accommodate a client request'*, is met by the discussion in Giammaressi, that the system determines if there is any stream capacity available on the server, [0034-0036].

Considering claims 6 & 24, the claimed feature of when the system does not have sufficient resources to fulfill a client's request, *'determining whether alternate multimedia service is available by querying one of the plurality of clients to select alternative multimedia service'*, Giammaressi discloses a method that determines the available bandwidth in the system, and if there is insufficient bandwidth then the quality of the video images being transmitted may optionally be decreased, in a bandwidth starvation mode, [0035-0036].

Considering claims 8-11, 18, 26-29 & 36, Giammaressi [0021, 0027 & 0038-0039] teaches that the system checks to see if video streams allocated to a client is available, and if not, the system re-allocates the bandwidth to meet the client needs, which reads on the claimed *'optimal resource allocation'*.

Considering claim 12, the claimed method of managing resources in a multimedia system, comprises steps that substantially correspond with subject matter mentioned above in the rejection of claim 1, and is likewise treated. The additionally claimed, "allocating best match resources of the available resources", is broad enough to read on the disclosure of Giammaressi,

[0033]. In particular, Giammaressi teaches that system attempts to balance the requirements of each client request with the requirements of other client request within the system.

In this instance, “best match” reads on whichever stream selected that facilitates the requested video to the subscriber, given the constraints of the scheduling algorithm.

Considering claims 17 & 35, regarding the claimed best match comprising: *‘maintaining a listing of resource capabilities’*, *‘determining a type of resource needed to support the client request’*, and *‘performing best match analysis to identify the best match of the plurality of resources, based on the capabilities’* reads on the session manager in Giammaressi maintaining a status of the vital resources and making bandwidth allocation determination according to these resources, [0033-0034].

Considering claims 3, 19 & 21, Goode teaches the claimed, *‘determining whether the video program exceeds a parental setting’*, in a system where a parent sets various authorization levels for various PIN assignments within a household, including a default level, col. 5, lines 5-40. Goode discloses that once a session is established the user is granted access to programming based on the corresponding authorization level, col. 6, lines 1-40.

Considering claim 30, the claimed apparatus for managing resources in a multimedia system, comprising elements that correspond with subject matter mentioned above in the rejection of claims 1 & 12, are likewise treated. Claim 30 additionally recite a *‘processing*

module and a *memory* operably coupled to the processing module, such that the memory includes operational instructions that cause the processing module to perform the steps previously recited in the above claims 1 & 12.

The claimed *'processing module'* reads on session manager in Giammaressi.

4. Claims 4, 14, 22 & 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goode, Giammaressi & Adams, and further in view Russell, (U.S. Pat # 4,890,322).

Considering claims 4, 14, 22 & 32, the references lack a discussion of defined access period for clients. However, Russell, which is in the same field of endeavor, teaches that when ordering a movie, a request must be made within a predetermined time period, col. 5, lines 15-35. It would have been obvious for one of ordinary skill in the art at the time the invention was made, to modify Goode with the feature of allowing a subscriber to order a movie within a specified time period, for the desirable advantage of allowing the system to more effectively use its resources, for instance adjusting the time period depending upon the order requests for a particular movie, at a particular time, as taught by Russell, see col. 7, lines 10-20.

5. Claims 7, 16, 25 & 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goode, Giammaressi & Adams, further in view of Mizutani, (U.S. Pat # 7,028,329).

Regarding claims 7, 16, 25 & 34, Goode & Giammaressi do not discuss a client request shaving priority over a currently service request. Nevertheless, Mizutani which is in the same field of endeavor teaches assigning a priority level to a client request, See col. 9, lines 51-67 thru col. 10, lines 1-41. It would have been obvious for one of ordinary skill in the art at the time the invention was made, to modify Goode with the feature of a priority algorithm in servicing request for the desirable advantage of more efficiently allocating limited resources see Mizutani, col. 3, lines 25-55.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Art Unit: 2424

Any response to this action should be mailed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

or faxed to:

(571) 273-8300, (for formal communications intended for entry)

Or:

(571) 273-7290 (for informal or draft communications, please label
"PROPOSED" or "DRAFT")

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Reuben M. Brown whose telephone number is (571) 272-7290. The examiner can normally be reached on M-F(8:30-6:00), First Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Kelley can be reached on (571) 272-7331. The fax phone numbers for the organization where this application or proceeding is assigned is (571) 273-8300 for regular communications and After Final communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Annan Q Shang/
Primary Examiner, Art Unit 2424